



**RULES AND REGULATIONS
OCTOBER 1975**

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CINCINNATI MUNICIPAL LUNKEN AIRPORT RULES AND REGULATIONS OF THE AIRPORT MANAGER

Pursuant to the authority granted by Section 402-78 of the Cincinnati Municipal Code, the Airport Manager of Lunken Airport does hereby promulgate and adopt the following Rules and Regulations applicable to all operations at Lunken Airport.

These regulations shall become effective at 8:00 am October 1, 1975, and shall be applicable to any and all permits issued on and after that date, except as herein provided.

Any person, firm, or corporation holding a valid permit as of December 31, 1974 may apply for a waiver of any of the regulations applicable to such permit holder, and the City Manager may issue such waiver upon finding that:

- ✈ The application of such regulation would impose an unreasonable hardship on such permit holder.
- ✈ There has been no change in the ownership or operation of permit holder's business since the issuance of permit holder's permit or last renewal thereof.
- ✈ Permit holder has made reasonable efforts to comply with the applicable regulation sought to be waived.

ARTICLE I

APPLICATIONS FOR PERMIT

SECTION 1 – APPLICATION – CONTENTS

Any person wishing to establish or use any facility at Lunken Airport for any authorized activity where a permit is required by ordinance and/or regulation shall be furnished a copy of these regulations, as amended from time to time, and shall thereupon make application in writing, filed with the Airport Manager of Lunken Airport setting forth in detail, to the extent applicable, the following:

- A. The name and address of the applicant;
- B. A description of the proposed facility and/or activity;
- C. The names and qualifications of the personnel to be involved in conducting such activity.
- D. Evidence of the financial responsibility and ability of the applicant and operator to carry out the activity sought;
- E. A description of the tools, equipment, services, and inventory, if any, proposed to be furnished in connection with such activity;
- F. The requested or proposed date for commencement of the activity and the term of conducting the same;
- G. A description of, and the estimated cost, of any structure or facility to be furnished, the proposed specifications for same, and the means or method of financing such construction, acquisition, or remodeling of facilities; and
- H. The specific types and amounts of insurance proposed in accordance with minimum requirements established by these Rules and Regulations for the activity.

SECTION 2 – FORMS AND OTHER INFORMATION

The application shall be on such forms as shall be determined by the Airport Manager. Applicant shall also submit such other information, as the Airport Manager shall reasonably request.

SECTION 3 – RENEWALS OF PERMITS

All applications for renewals of permits shall contain the information set forth in Section 1 hereof; provided, however, that such applicant shall only be required to include

information describing any significant or material change or changes in the information contained in the initial permit application.

ARTICLE II

NOTICE AND HEARING

SECTION 1 – NOTICE

Upon the filing of an application pursuant to Article I hereof, the Airport Manager shall fix a date and time for a public hearing and shall give written notice to all other persons then holding permits for the conduct of aeronautical or other activities at the Airport. The Airport Manager shall also give written notice to other persons who shall have requested the Airport Manager in writing to furnish such persons copies of all notices issued pursuant thereto. The Airport Manager shall also publish notice of the time and place of such public hearing in the *City Bulletin* at least 15 days, but not more than 30 days, prior to such public hearing. The Airport Manager or his designee shall hold the public hearing on the date and at the place specified in the notice and shall hear all relevant testimony from interested persons, firms, or corporations. The Airport Manager may waive the requirement for a public hearing on any application for renewal of permits upon a finding that there have been no material changes in the operation of applicant's business, scope of services, financial condition, or management.

SECTION 2 – REPORT AND DECISION ON APPLICATION

Upon the consideration of the application and the evidence produced at the public hearing (if required), the Airport Manager shall submit a report to the City Manager as to whether or not the applicant complies with these Rules and Regulations and applicable law, and whether or not such application should be granted, in whole or in part, and if so, upon what terms and conditions. The City Manager, after a review of the application and the report of the Airport Manager, shall approve, deny, or approve with conditions the application.

ARTICLE III

LEASE OR CONTRACT AND MAINTENANCE OF FACILITIES

SECTION 1 – LEASE AGREEMENT – CONTENTS

The approval, as submitted or modified, of an initial application files pursuant to Article I hereof shall be conditioned upon a lease and/or contract being entered into between the City of Cincinnati and the applicant for the use of the land and/or facility. The lease or

contract shall comply with applicable law and in every instance be conditioned upon or contain language assuring:

- A. that these Rules and Regulations be incorporated into said lease or contract by reference;
- B. that there be original and continued compliance by the applicant with the Rules and Regulations required for each particular commercial activity; and
- C. that any structures or facilities to be constructed or placed, or used in connection with such activity, shall be constructed in a manner to conform to all safety regulations of the State of Ohio and the City of Cincinnati, and shall be in compliance with the requirements of current building codes and fire regulations of the City of Cincinnati; and that any construction once commenced will be diligently prosecuted to completion. Design, form, location, and qualities thereof shall be subject to the approval of the Director of the Department of Transportation and Engineering. All buildings shall be in harmony with surrounding buildings.

SECTION 2 – LEASE AGREEMENT – CONFLICT WITH REGULATIONS

No permit shall be issued until after the Airport Manager examines the terms of the lease agreement described in Section 1 hereof and determines that such lease agreement is not in conflict with any of these Rules and Regulations. Nothing herein shall be deemed to have granted to any lessee of any Airport property any further rights other than those set forth in such lessee's lease with the City of Cincinnati as contained in applicable law.

SECTION 3 – MAINTENANCE OF PHYSICAL FACILITIES

All physical facilities including, but no limited to, hangars, tie-down facilities, taxiways, ramps, grass, and open areas shall be maintained in good order and repair. All grass areas shall be kept properly mowed and maintained, free of ruts and holes. All taxiways, ramps, and other hard surfaced areas shall be properly surfaced and maintained free of ruts, holes, loose stones, and weeds, so as to be suitable for the safe and efficient operation of aircraft and vehicles thereover.

SECTION 4 – FAILURE TO MAINTAIN PHYSICAL FACILITIES

In the event that a permit holder fails to properly maintain his facilities as required by these regulations, applicable law, and the lease agreement, then in such event, the Airport Manager may give notice to correct such conditions. If, after 15 days, permit holder fails to correct such conditions or diligently proceed with such repairs, the Airport Manager may cause such repairs to be made and charge the cost thereof, together with interest at the legal rate, to such permit holder. Failure to correct defective conditions shall be grounds for revocation of the permit.

ARTICLE IV

STANDARD REQUIREMENTS FOR ALL AERONAUTICAL OR OTHER ACTIVITIES

SECTION 1

Every application for permission to conduct aeronautical or other activities at Lunken Airport shall contain sufficient information demonstrating to the satisfaction of the City Manager that applicant complies with the following requirements:

That the applicant has a history of management and personnel ability for conducting the same or a similar type of service or activity;

That the applicant has the financial responsibility and ability to provide the facilities and services proposed;

That the applicant has or can reasonably secure necessary certificates from the FAA or other authority where the same are required for the activity proposed; and

That the applicant has or can furnish suitable indemnity insurance to protect and hold the City of Cincinnati harmless from any liability in connection with the conduct of the activity proposed.

ARTICLE V

RULES AND REGULATIONS FOR SERVICE ACTIVITIES

In addition to meeting the requirements of Article IV, every person conducting the following specific activities shall meet the additional requirements as hereinafter set forth:

SECTION 1 – AVIATION FUEL SALES AND SERVICE

Persons conducting aviation fuel sales or service to the public on the Airport shall be required to provide:

- A. 100 octane aviation gasoline, 80 octane (if available from distribution), and standard turbine jet fuel.
- B. An adequate inventory of generally accepted grades of aviation engine oil and lubricants.
- C. Fuel service vehicles owned or leased in the name of the operator. All vehicles must be operated by the operator's employees and shall be located in such areas

as the Airport Manager shall direct. Fuel service vehicles must meet safety standards as defined by the National Underwriter's Association and be free from contaminants and leakage. The operator shall maintain a minimum of two refueling vehicles on the Airport premises. Each refueling vehicle shall be capable of pumping no less than 60 gallons per minute with a minimum storage capacity of 1,600 gallons. All vehicles shall be maintained in a high state of repair, clean and clearly marked as to the grade and brand or the name of the product it carries. All vehicles shall be equipped with two-way communications on a company frequency. All vehicles operated on areas controlled by Air Traffic Control shall be equipped with two-way communications on ground control frequency. Fuel Service operators shall fuel aircraft at any location of the Airport, when reasonably requested by the owner or operator thereof.

- D. Properly trained line personnel on duty from 8:00 am to 10:00 pm of every calendar day, seven days a week, and on call by readily accessible means at other hours during the day or night. The Airport Manager, from time to time, may require any permit holder to certify and present evidence to the satisfaction of the Airport Manager that permit holder's line personnel are properly trained for the duties assigned them.
- E. Proper equipment for repairing and inflating aircraft tires, servicing oleo struts, changing engine oil, washing aircraft and aircraft windows and windshields, recharging or energizing discharged aircraft batteries and starters, and deicing airplanes.
- F. Conveniently located heated and air conditioned lounge or waiting rooms for passengers and airplane crews of itinerant aircraft together with sanitary restrooms and public telephones.
- G. Towing equipment and parking and tie-down areas adequate for the types of aircraft serviced by permit holder to safely and efficiently move aircraft and store them in all reasonably expected weather conditions.
- H. Adequate grounding facilities at fueling locations to eliminate the hazards of static electricity and approved types of fire extinguishers or other equipment commensurate with the hazards involved in refueling and servicing aircraft.
- I. Adequate and sanitary handling and disposal, away from the Airport, of all trash, waste, and other materials, including but not limited to used oil, solvents, and other waste. The piling or storage of crates, boxes, barrels, and other containers will not be permitted within the lease premises.
- J. Suitable hard-surfaced internal taxiways, aircraft parking, tie-down and hangar storage facilities.

SECTION 2 – FUEL SERVICE REGULATIONS – TERMINAL RAMP

Those persons conducting aviation fuel sales and service operations at Lunken Airport, upon written application to the Airport Manager, shall be granted equal opportunity on a weekly basis in rotation to service incoming aircraft that do not specify which brand of fuel they wish, subject to the following:

- A. Fuel service operators must have a valid permit in accordance with Section 402-22 of the Cincinnati Municipal Code and Article V, Section 1 of these Rules and Regulations.
- B. Any pilot, upon request, may be serviced on the ramp with any brand of fuel available at the Airport.
- C. The period for the week on the ramp will be from Sunday through Saturday and will not change during the week without the approval of the Airport Manager.
- D. The fuel service operator must remain current in his accounts with the City of Cincinnati including all leases, rentals, permits, etc. An account becomes delinquent when not paid by the 10th of the month in which it becomes due.
- E. A fuel service operator, during his week on the ramp, shall have a minimum of one qualified line employee on the ramp for parking and servicing planes from 8:00 am to 6:00 pm. Additional personnel shall be furnished if, in the opinion of the Airport Manager, the traffic so warrants. After 6:00 pm, the operator shall be on call and shall service any aircraft on the ramp on a request basis. The Airport Manager may extend the hours of service at any time or times if traffic so warrants.
- F. When an operator becomes delinquent in an account or has been proved to be in violation of any of these Rules and Regulations, he will be notified that he has lost his ramp privileges for his next turn and any subsequent turn until his account is current or the violation has been corrected. When the ramp week privileges are restored such operator may return in his next normal rotation.

SECTION 3 – PRIVATE FUEL STORAGE AND FUELING OPERATIONS

Any person, with authorized fuel storage tanks, may store aviation fuel in, and conduct fueling operations from, such tanks for use in aircraft which such person owns, leases, or otherwise uses if such person:

- A. holds a valid permit issued pursuant to Section 402-22 of the Cincinnati Municipal Code to store fuel for private use;

- B. conducts such storage and pumping in accordance with all applicable fire codes, federal, state, and local laws, statutes, ordinances, Rules and Regulations, and N.F.P.A. criteria pertaining to fire safety;
- C. conducts fueling operations only in the areas approved by the Airport Manager;
- D. submits to the Airport Manager a proper monthly accounting of fuel put into such tanks and fuel pumped out of such tanks, as provided by the Cincinnati Municipal Code;
- E. pays all applicable fees and taxes as provided by ordinance; and
- F. provides public liability insurance of at least \$500,000 per person for bodily injury and \$2,000,000 per accident for property damage, naming the City of Cincinnati as an additional party insured and furnishes a certificate of such insurance to the Airport Manager on a current basis.

If such person holds a permit issued pursuant to Section 402-22 of the Cincinnati Municipal Code for the rental of space and, pursuant to such permit, rents space in his hangar to another person for the storage of aircraft operated by such other person, and if such other person purchases aircraft fuel in bulk from an oil company or distributor, the permit holder may, under the rental of space permit, also store such other person's fuel in the permit holder's tanks, commingling the same with his fuel. Such other person shall be required to register with the Airport Manager and shall comply with all of the requirements of sub-sections A through F hereunder.

ARTICLE VI

FAA NON-DISCRIMINATION COVENANTS

All persons conducting commercial aeronautical activities at Lunken Airport shall be required to:

Furnish good, prompt, and efficient service adequate to meet all the demands for its service at the Airport;

Furnish said service on a fair, equal, and non-discriminatory basis to all users, thereof. No person shall, on the grounds of race, color, or national origin discriminate or permit discrimination against any person or group of persons in any manner prohibited by Title VI of the Civil Rights Act of 1964 or by Part 15 of the Federal Aviation Regulations; it is further understood and agreed that the City of Cincinnati shall have the right to take such action as the federal government may direct to enforce this obligation; and

Charge fair, reasonable, and non-discriminatory prices for each unit of sale or service, provided that any person may be allowed to make reasonable and non-discriminatory

discounts, rebates, and other similar types of price reduction to volume purchasers as permitted by law.

ARTICLE VII

REVOCATION OF PERMIT

The City Manager, may, after notice and hearing before the City Manager or his delegate, revoke or refuse the renewal of any permit for violation of these regulations, any applicable ordinance, or terms of any lease between the permit holder and the City of Cincinnati.